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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,925	05/04/2001	Jean-Marc Villaret	10005203-1	8953

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/849,925	VILLARET ET AL.	
	Examiner	Art Unit	
	Asfand M. Sheikh	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-6, and 23 is/are allowed.
- 6) ☒ Claim(s) 24-29 is/are rejected.
- 7) ☒ Claim(s) 1 and 3-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>2, 01/19/07</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

Amendment

The Amendment on 04-Aug-05 has been entered. Claims 1, 3-6, and 23-29 are pending for examination.

PLEASE TAKE NOTE: The examiner examining this case has changed. The new examiner is Asfand. M. Sheikh. The group art unit has not changed.

New grounds of rejection are made for claims 24-29. Claims 1, 4-6, and 23 are indicated as allowable.

Claim Objections

1. Claim 1 is objected to because of the following informalities: The following limitation in Claim 1 recites "selecting a product via the non-payment application and offered by the first application on the first DPS." Examiner suggests it recite removal of 'and' to have it read "...via the non-payment application offered by the first...". Appropriate correction is required.

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Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganath et al. United States Patent Application Publication 2001/0037245 (hereinafter Ranganath) in view of Jenkins et al. United States Patent 6,264,104 (hereinafter Jenkins).

As per claim 24, Ranganath teaches establishing a first connection between a server and a first DPS via the internet (Ranganath, see at least, FIG. 1; Internet Shop Server is a 'DPS' and the Application Server is the 'server'); transmitting product information from the first DPS to the server via the internet in response to a first selection of a product at first plurality of POS terminals (Ranganath, see at least, 0024, and 0027; FIG. 1); transmitting the information from the sever to the first POS terminal (Ranganath, see at least, 0024, and 0027; FIG. 1); displaying information on the POS terminal (Ranganath,

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see at least, 0024, and 0027; FIG. 1), ability to transmit data to a third party payment terminal (Ranganath, see at least, 0045); transmitting from the sever to the first DPS via the internet, data that indicate purchase of the product (Ranganath, see at least, 0024, and 0027; FIG. 1).

The examiner notes Ranganath is silent with respect to transmitting from the server to the second DPS purchase data including account information and indicating an amount of money in response to the first EFTPOS terminal, processing payment for the product at the second DPS using the purchase data; transmitting a purchase confirmation from the second DPS to the server and from the server to the first EFTPOS terminal.

Jenkins teaches an EFTPOS device, transmitting details regarding the order (e.g. credit details; Examiner interprets "credit details" to include amount of account information and money) through a K71 interface (e.g. server) to a banking system (second DPS). Further Jenkins discloses banking system signals the interface (server), which in turn signals the EFTPOS a confirmation (e.g. open door if product is available) (Jenkins, see at least, col. 11, lines 17-26).

It is in the examiners position that one of ordinary skill in the art at the time the invention was made to modify the

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teachings Ranganath to include EFTPOS device, transmitting details regarding the order through a server to a banking system and having the banking system signal the interface which in turn signal the EFTPOS a confirmation as taught by Jenkins. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a dedicated remote goods/service ordering system that is simple for even untrained users (Jenkins, see at least, col. 1, lines 59-61 and col. 4, lines 28-42).

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganath et al. United States Patent Application Publication 2001/0037245 (hereinafter Ranganath) in view of Jenkins et al. United States Patent 6,264,104 (hereinafter Jenkins) as applied to claim 24 above, and further in view of Nguyen et al. United States Patent 6,304,915.

As per claim 25, the examiner notes that the combination of Ranganath and Jenkins teaches the limitations of the present invention however the combination of Ranganath and Jenkins is silent with respect to associating by the server, a respective externally-visible address with a respective EFTPOS address of each of the plurality of EFTPOS terminals; and translating

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between the EFTPOS address of an EFTPOS terminal and the associated externally-visible address in transmitting data between the EFTPOS terminal and the first and second DPSs.

Nguyen discloses software on a system that differentiates a plurality of merchant transactions from POS terminals (Nguyen, see at least, col. 62, lines 44-50) that has the ability to associate and translate a merchant vPOS (merchant identifier) with an IP address field (Nguyen, see at least, col. 100, lines 39-64) via a gateway.

It is in the examiners position that one of ordinary skill in the art at the time the invention was made to modify combination of Ranganath and Jenkins to include software on a system that differentiates a plurality of merchant transactions from POS terminals that has the ability to associate and translate a merchant vPOS (merchant identifier) with an IP address field via a gateway as taught by Nguyen. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide secure transmission and additional security measures that are not found in conventional POS terminals (Nguyen, see at least, col. 4, lines 14-16).

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganath et al. United States Patent

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Application Publication 2001/0037245 (hereinafter Ranganath) in view of Jenkins et al. United States Patent 6,264,104 (hereinafter Jenkins) and Nguyen et al. United States Patent 6,304,915 as applied to claim 25 above, and further in view of Walker et al. United States Patent Application Publication 2002/0169626 (hereinafter Walker).

As per claim 26, the examiner notes that the combination of Ranganath, Jenkins, and Nguyen teaches the limitations of the present invention (see at least, claim 24, for flow of information from DPS to server to EFTPOS terminal) however the combination of Ranganath, Jenkins, and Nguyen is silent with respect to receiving a user selection of a key, where the key is associated with merchant information, and displaying merchant information to the user.

Walker discloses a user selection of a key, where the key is associated with merchant information, and displaying merchant information to the user (Walker, see at least, Abstract; 0006; 0041; 0050; FIG. 1; FIG. 2; and FIG. 4; Examiner notes that "reference providers" is information related to a merchant).

It is in the examiners position that one of ordinary skill in the art at the time the invention was made to modify combination of Ranganath, Jenkins, and Nguyen to include a user

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selection of a key, where the key is associated with merchant information, and displaying merchant information to the user (Walker, see at least as taught by Walker. One of ordinary skill in the art would have been motivated to combine the teachings in order to easily find information relating to the service level of a merchant (Walker, see at least, 0003-0005).

6. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranganath et al. United States Patent Application Publication 2001/0037245 (hereinafter Ranganath) in view of Jenkins et al. United States Patent 6,264,104 (hereinafter Jenkins) as applied to claim 24 above, and further in view of Walker et al. United States Patent Application Publication 2002/0169626 (hereinafter Walker).

F.2.
1/19/07

As per claim ²⁷~~26~~, the examiner notes that the combination of Ranganath and Jenkins teaches the limitations of the present invention (see at least, claim 24, for flow of information from DPS to server to EFTPOS terminal) however the combination of Ranganath and Jenkins is silent with respect to receiving a user selection of a key, where the key is associated with merchant information, and displaying merchant information to the user.

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Walker discloses a user selection of a key, where the key is associated with merchant information, and displaying merchant information to the user (Walker, see at least, Abstract; 0006; 0041; 0050; FIG. 1; FIG. 2; and FIG. 4; Examiner notes that "reference providers" is information related to a merchant).

It is in the examiners position that one of ordinary skill in the art at the time the invention was made to modify combination of Ranganath and Jenkins to include a user selection of a key, where the key is associated with merchant information, and displaying merchant information to the user (Walker, see at least as taught by Walker. One of ordinary skill in the art would have been motivated to combine the teachings in order to easily find information relating to the service level of a merchant (Walker, see at least, 0003-0005).

Allowable Subject Matter

7. Claims 1, 3-6, and 23 are allowed.

As per claim 1, the following is an examiner's statement for reasons of allowance. The prior art of record neither teaches or fairly suggest a non-payment application executing on a server for selecting products offered by the first application on the first DPS. Nor do the recite a payment application

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executing on the server to a second application executing on a financial institution DPS for processing payment for the product. The prior art discloses or suggests elements of the invention but not the above limitations. The respective dependent claims are allowable as depending from allowable independent claims.

As per claim 23, the examiner utilizes the same rational for allowance as per claim 1 found above.

Response to Arguments

8. Applicant's arguments, see Applicant Arguments/Remarks made in Amendment, filed 04-Aug-05, with respect to the rejection(s) of claim(s) 1, 4-6, and 23-29 under 35 USC § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ranganath in view of Jenkins.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M.

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Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

Asfand M Sheikh
Examiner
Art Unit 3627

ams
19-Jan-07

 1/19/07
F. RYAN ZEENDER
PRIMARY EXAMINER